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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1961

No. [redacted]

CHARLES PAUL, Director of Agriculture of the State of California and STANLEY MOSK, Attorney General, State of California,

Appellants,

vs.

UNITED STATES OF AMERICA,

Appellee.

On Appeal From the United States District Court for the Northern District of California, Southern Division

APPELLANTS' REPLY MEMORANDUM

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APPELLANTS' REPLY MEMORANDUM

The government's memorandum, filed December 13, 1961 [hereinafter cited Gov't. Br.], requests summary permanent as to one provision of the injunction below and summary affirmance of the remaining provisions. The summary disposition of the case in the trial court led to the commission of prejudicial error by the trial court. J. S. App. 24-28. This appeal affects the jobbing operation of the milk stabilization statutes of 23 states and requires, not further summary disposition, but plenary consideration in this Court upon full argument and briefing. J. S. App. 7-8, 133-134.

In addition, the government's brief in critical passages, misstates the record. This reply will deal, as summarily as possible, with the basic errors contained in that brief, and thereafter with the specific matters in it which are in most need of correction.

JURISDICTION

The government's actions were brought in the District Court under 28 U.S.C. 1331 and 1345 to restrain enforcement of the California milk stabilization act (Ch. 17, Div. 6, Calif. Agr. Co[1] as unconstitutional under Article 1, Section 8, Clause 17, of the United States Constitution as applied to milk producers and milk distributors selling milk to three military installations in California. R. 1-7, 155-161, 171-175. The constitutionality of the state enactment under Article 1, Section 8, Clause 17, is presented for decision because of the claim by the government that Clause 17 is per se exclusory of state authority, even without implementation by Congress, where a state granted consent to the federal acquisition of land but did not make a cession of jurisdiction over such land. Section 34, 1872 California Political Code.[2] On this issue, appellants assert that Clause 17 is not per se exclusory of state law and becomes exclusory only as Congress chooses to avail itself of this grant of power. See *Offutt Housing Co. v. Sarpy County*, 351 U.S. 253, 260

[1] Article 1, Section 8, Clause 17, is set out in Appendix A, page 17

[2] Section 34, 1872 California Political Code is set out in Appendix A, page 17

(1956). This is the construction given to the remaining grants of power in Article I of the Constitution. *Parker v. Brown*, 317 U.S. 341, 362-363 (1943).

The claim of unconstitutionality was presented by the government in its motions in the District Court for preliminary injunction (action No. 29930) and for summary judgment (action No. 29973), and thereafter a case was presented in which the injunction may be granted on grounds of federal unconstitutionality. [illegible] *Public Utilities Commission v. Attleboro Steam & Electric Co.*, 273 U.S. 83, 87 (1927). The case therefore comes within the three-judge District Court procedure of 28 U.S.C. 2281 and the appeal lies with the appellate jurisdiction of this Court under 28 U.S.C. [illegible] *Florida Lime Growers v. Jacobsen*, 362 U.S. [illegible] (1960).

THE REACH OF THE MILK STABILIZATION STATUTES OF TWENTY-THREE STATES, AS APPLIED TO SELLERS TO THE UNITED STATES, SHOULD BE DECIDED UPON BRIEFS ON THE MERITS AND ORAL ARGUMENT.

1. The district court, *inter alia*, struck down as [illegible] unconstitutional under Article I, Section 8, Clause 17,

the California producer (i.e. dairy farmer) milk price regulations on the ground that the dealer reselling the milk made deliveries on tracts of land within exclusive federal jurisdiction. J. S. App. 59. Appellee government seeks to avoid appellate review of this portion of the injunction by asking that the judgment below be remanded with instructions (1) to allow the complaints to be amended, and (2) to delete that portion of the injunction which enjoins enforcement of the state minimum producer price regulations. Gov't. Br. 5 & 14.

No confession of error is made by the Solicitor General, and no request is made that the judgment below be reversed with directions to dismiss the action. Compare United States v. Munsingwear, 340 U.S. 36 (1950). The government asserts in this Court, as in the trial court, that California cannot lawfully regulate producer milk prices where the milk is resold to the United States. Gov't. Mem. 5; R. 670-672. This question, therefore, will be a recurring one, certain to be repeated, not only in California but in the 22 states having similar statutes, because of the purchase of milk by the United States at its nation-wide military installations.[1] The issue whether appellant state officers can constitutionally enforce the established state minimum producer prices with respect to milk farmers selling to dealers for processing and resale to the

[1] The government asserts that federal jurisdiction exists over 3,050 installations in 48 of the states aggregating an area more than 200 miles the size of the District of Columbia. Inventory Report On Jurisdictional Status Of Federal Areas Within The States, General Services Administration, 1960, page 2.

United States is therefore before the court and requires decision.

II. There also is presented to the court for decision the question whether California can regulate the price at which dealers may sell milk to federal military installations. The issue is important to the 29 states which, like California, either (or both) directly set the minimum wholesale prices for fluid milk, or indirectly establish a minimum price by prohibiting below-cost sales.

The California wholesale milk stabilization statute was enacted to protect consumers by eliminating wasteful and expensive distribution practices and to prevent collusive control of the market through the development of monopolies in distribution. Calif. Agr. C. 4359(a) & (b); Tinley, Public Regulation Of Milk Marketing In California, 1938, 45-63. Further, with producer milk stabilization, the prices of factors accounting for nearly 80 percent of the selling price of milk by dealers is fixed either by law or by collective bargaining contracts with labor unions. Tinley, op. cit. 78. These factors include raw product cost, wages, utility costs and labor. With such high fixed costs, the legislature reasonably concluded that stability in the marketing of milk was necessary to insure that dealers would have reasonable expectations of being able to meet their obligations, particularly labor and raw

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Alabama, Arkansas, California, Connecticut, Florida, Louisiana, Maine, Massachusetts, Mississippi, 1942 Miss. Code 6501, et seq., Montana, Nevada, New Hampshire, New Jersey, North Carolina, Pennsylvania, Rhode Island, Vermont, Virginia, Washington. 7 U.S. Atty. Gen. 1943-44.

product costs. Tinley, op. cit. 78. Calif. Agr. C. Sec. 4355-4360. These objectives are deserving of judicial protection.

Pacific Coast Dairy v. *Dept.*, 318 U. S. 285 (1943), upon which the government relies for the proposition that the California wholesale milk price regulations are unconstitutional as applied to dealers selling to Castle, Travis and the Oakland Army Terminal, is inapplicable. Gov't. Br. 2, 6, 7. In *Pacific Coast Dairy* the court carefully noted that the California Supreme Court in *Consolidated Milk Producers* v. *Parker*, 19 C. 2d 815; 123 P. 2d 440 (1942), had held that the state had no jurisdiction to fix wholesale prices for milk sold to the United States at the Presidio of San Francisco. *Pacific Coast Dairy* v. *Dept.*, 318 U. S. 285, 292 & 292 n. 4. The court was therefore cognizant that under state decisional law the United States had acquired jurisdiction over the Presidio of San Francisco as a result of the government's having filed metes and bounds descriptions and a plat of the Presidio in the San Francisco Recorder's office pursuant to California Statutes of 1897, Chapter 56, page 51.[6] *Consolidated Milk Producers* v. *Parker*, 19 C. 2d 815, 816-817.[7] In *Pacific Coast Dairy* v. *Dept.*, the State Department of Agriculture had conceded that Moffett Field was

[6] California Statutes of 1897, Chapter 56, page 51 are set out in Appendix A at page 15.

[7] *Standard Oil Co.* v. *California*, 291 U.S. 242 (1934), and Opinions California Attorney General N.S. 1905 (1939) cited in *Pacific Coast Dairy*, 318 U.S. 285, 292 n. 4 also dealt with the Presidio of San Francisco where the cession was made under the 1897 California statute.

within federal jurisdiction. *Pacific Coast Dairy* v. *Dept.*, 318 U. S. 285, 293. Since the court specifically relied on the Consolidated Milk case for its determination of state law, this concession was taken as an admission that jurisdiction over Moffett Field had been ceded under the 1897 California statute *Pacific Coast Dairy* v. *Dept.*, 318 U. S. 285, 293 n. 8. The decision in Pacific Coast Dairy, therefore, is not applicable to military installations, such as Castle, Travis, and the Oakland Army Terminal, for which the government has never filed metes and bounds descriptions and the plat as required by the 1897 California cession statute. R. 695, 696, 700, 701. No concession is made here, as was made in Pacific Coast Dairy, that the State lacks jurisdiction of these installations. J. S. App. 14-21.

THE GOVERNMENT'S AUTHORITIES FAIL TO SUPPORT ITS SUGGESTION FOR SUMMARY AFFIRMANCE.

1. The government's case that it has exclusive jurisdiction over the installations here involved is bottomed on the *obiter dictum* expressed in an opinion by a predecessor California Attorney General that California 1872 Political Code, section 34, cedes jurisdiction. 23 Ops. Cal. Atty. Gen. 14, 19 (1954). Govt. Br. 9. The only authority cited was *Surplus Trading Co.* v. *Cook*, 281 U.S. 647 (1930) which construed Arkansas Acts of 1903, Act 180, page 346, to cede jurisdiction over Camp Pike to the United States. *Id.*, 281 U.S. 647.

655.[7] The opinion in 23 Ops. Cal. Atty. Gen. 14 at 19 failed to consider that the Arkansas statute both consented to the purchase of land and also ceded jurisdiction over the land so purchased. Arkansas Acts of 1903 Act 180, page 346.[8] This statute sharply contrasts to California 1872 Political Code, section 34, which contains no language ceding jurisdiction to the United States. The California 1872 statute in this respect is similar to 1927 Acts of Arkansas, Act 108, page 302,[9] which only consented to the purchase of land by the United States. The court, in *Wilson* v. *Cook*, 327 U.S. 474, 486-487 (1946), found that no express grant of legislative power was made and therefore held that the statute did not surrender state legislative jurisdiction to the government. The opinion in 23 Ops. Cal. Atty. Gen. 14 also failed to consider the California Court of Appeal decision in *People* v. *Brown*, 69 C. A. 2d 602, 605; 159 P. 2d 686 (1945), which held that the 1897 California Statute (Stats. 1897, Ch. 56, p. 51, codified into Sec. 114, Gov. C., by Stats. 1943, Ch. 134, p. 898) was the controlling military land jurisdiction statute. Similarly, no analysis was made of the decision in *Gilmore* v. *Lime Point*, 18 Cal. 229, 259 (1861), where the California Supreme Court expressed doubt that a federal purchase of land by condemnation

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[7] The dicta in Surplus Trading Co. v. Cook, 281 U.S. 647, 650, that a state may not condition its cession of jurisdiction was expressly overruled in James v. Dravo Contracting Co., 302 U.S. 134, 146-149 (1937).

[8] Arkansas Acts of 1903, Act 180, page 346, is set out in Appendix A, pages 18-19.

[9] 1927 Acts of Arkansas, Act 108, page 302, is set out in Appendix A, pages 19-20.

passed jurisdiction to the United States with [illegible] express cession of jurisdiction.

The statement in 23 Ops. Cal. Atty. Gen. 13, at 19 was *obiter dictum* because the opinion specifically refused to determine in a hypothetical context the extent to which jurisdiction had been transferred over Fort Ord, the particular installation in question. 23 Ops. Cal. Atty. Gen. 14, 21. Because of this, amici curiae appellants have concluded that the *dictum* expressed in 23 Ops. Cal. Atty. Gen. 14 must give way to the reasoning expressed in *Wilson v. Cook*, 327 U.S. 474, 486-487; *Palmer v. Lake Pond*, 18 Cal. 229, 259, and in *People v. Brown*, 36 Cal. A. 2d 602, 605; 159 P. 2d 686.

II. The government argues that the provision in Section 113, Government Code, that the State "reserves the administration of the criminal law of the State with respect to any land over which any jurisdiction has been or may be ceded or conveyed to the United States," applies only to lands "ceded or conveyed" to the government but does not apply to lands "purchased" by the United States at the Oakland Army Terminal. Gov't. Br. 11. The answer is that the term "conveyed" when used in reference to real property imports of transfer of title. *Boehe v. Castillo*, 154 Cal. 672, 677; 98 Pac. 1067 (1908); see *Williams v. Paige*, 160 U.S. 55, 76 (1895). "Purchase" when used in reference to land acquired by the United States includes acquisition by deed and by condemnation

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[1] California Government Code Section 113 is set out in Appendix A at page 21

Kohl v. *United States*, 91 U.S. 367, 374 (1876). Therefore, when title to several of the tracts at the Oakland Army Terminal were purchased by the government by deed and by condemnation, it obtained the land by conveyance within the meaning of Section 113, Government Code. This is the construction given the 1891 predecessor statute to Section 113 by this court. In *Collins* v. *Yosemite Park Co.*, 304 U.S. 518, 527 (1938), the Court held that California Statute of 1891, Chapter 181, page 262 [12] (codified into Gov. C. sec. 113 by Calif. Stats. 1943, Ch. 134, p. 898) reserved state criminal jurisdiction over land whose title was conveyed to the United States by California Statutes of 1905, Chapter 60, page 54.[13]

It is also suggested that the phrase "the administration of the criminal laws" in California Statutes of 1891, Chapter 181, page 262, and its codified successor, Government Code, section 113, reserved only the right to serve criminal process, and did not retain state criminal jurisdiction. Gov't. Br. 11. *Collins* v. *Yosemite Park Co.*, 304 U.S. 518 (1938) is inapposite. As noted above, the Court held that California retained criminal jurisdiction under the 1891 statute over land conveyed in 1905 to the United States. *Id.*, 304 U.S. 518, 527. See *Bowen* v. *Johnston*, 306 U.S. 19, 28-29 (1939). Also opposite is a 1903 opinion of the United States Attorney General which held that a Louisiana statute

[12] California Statutes of 1891, Chapter 181, page 262, is set out in Appendix A at page 21.

[13] California Statutes of 1905, Chapter 60, page 54, is set out in Appendix A at pages 21-22.

(1892 Acts of La., No. 12, p. 10)[14] reserving the "administration of the criminal laws" was effective to retain state criminal jurisdiction over areas ceded to the United States. 24 Ops. U.S. Attys. Gen. 617 (1903).

The government seeks to distinguish *James v. Dravo Contracting Co.*, 302 U.S. 134, 143 (1937) so as to avoid the construction that the California 1897 statute qualified the earlier 1872 statute. Gov't Br. 9-10. Contrary to the statement in the government's memorandum, the *Dravo* case did involve two West Virginia statutes enacted at different times. Govt. Br. 9. The first paragraph of Section 3, Chapter 1, Article 1, of the 1931 Code of West Virginia was a codification of an 1881 consent to purchase statute.[15] The third paragraph of the 1931 West Virginia statute was an amendment to the cession provisions of 1909 Acts of West Virginia, Ch. 61, p. 494. The only difference between the West Virginia and California statutory history is that the 1881 and 1909 West Virginia statutes were codified in 1931, while the 1872 and 1897 California statutes were codified in 1943. See legislative history of the California enactments, *id.* 8 App. 105-106. Therefore the term "conveyed" in the 1897 California enactment includes lands acquired by the government at Castle and Travis by "purchase" under the 1872 consent statute, just as the phrase "later so

[14] 1892 Acts of Louisiana, No. 12, page 10, is set out in Appendix A, page 23.

[15] Section 4, Chapter 20, p. 265, 1881 Acts of West Virginia, and 1909 Acts of West Virginia, Ch. 61, p. 494, are set out in Appendix A, pages 20-21, 23-24.

acquired" in the West Virginia 1931 statute was held to include lands purchased by the government under the West Virginia 1881 consent statute. *James v. Dravo Contracting Co.*, 302 U.S. 134, 143-144 (1937). *People v. Brown*, 60 C.A. 2d 602, 605; 159 P. 2d 686 (1945).

THE GOVERNMENT'S MEMORANDUM IN CRITICAL PASSAGES INCORRECTLY STATES THE RECORD.

The government's memorandum represents that the United States acquired the Travis tracts of land upon which sales and deliveries of milk are made during the period 1942-1943. Gov't. Br. 8. The Travis land records (R. 978-992) prepared by the Air Force and offered as part of the government's case, show that more than ninety separate tracts of land were acquired at Travis subsequent to the 1942-1943 period, and that delivery of milk is made to one such tract (No. 49) acquired in 1946. R. 978-990, 991-992. The misstatement regarding the tracts where milk is sold and delivered is material for several reasons.

First, tracts acquired after March 14, 1941, cannot lie within federal jurisdiction since this is the date of the most recent omnibus letter accepting federal jurisdiction over installations in California as required by Revised Statutes Section 355, as amended Act of October 9, 1940, 54 Stat. 1083; *Adams v. United States*, 319 U.S. 312, 313 (1943). R. 201. Tract 49 at Travis was purchased by deed dated May 26, 1946. R. 991, 979. Delivery of milk is accepted by the government on tract 49 at Dining Hall No. 6. Dining Hall

No. 7 and at the hospital, R. 992; since there has been no acceptance of jurisdiction by the government as required by federal law, no claim can be made that deliveries of milk onto Tract 49 occur on an area within federal jurisdiction. See Gov't. Br. 5-6. The statement complained of conceals the existence of state jurisdiction over Tract 49 at Travis.

The second reason why the misstatement is material is that the government changes the delivery points for milk *post litem motam* from tracts where the milk is used to tracts of land with better jurisdictional credentials. For example, prior to February of 1960, milk was received at Castle at the post commissary and at the troop messes located on Tract 12. R. 425, 456, 812-813. Title to Tract 12 was acquired by the government on March 17, 1947 (R. 427), a date subsequent to March 14, 1944, the date of the latest letter of acceptance of jurisdiction. R. 201. Suit against the supplier at Castle was filed in the state courts on February 5, 1960 (R. 964), and ten days later on February 15, 1960, the government changed the delivery point for milk from the commissary and troop messes on Tract 12 to a vacant lot on Tract A, a civilian housing tract acquired July 17, 1943, located outside the main gates at Castle. R. 424-425, 437, 456, 813. Because the point of delivery of milk can be changed by the government to any tract within the installation, judicial inquiry must extend to every tract within the installation. Otherwise, there would be no end of the litigation, as the government would simply change delivery points

to a tract whose jurisdictional status had not been litigated.

Lastly, the contracts of sale for milk are not executed at Travis, but at higher procurement headquarters where the offers of contract are accepted. R. 972, 993, 1004, 1022.

The government brief makes also a material error in stating that the lands at the Oakland Army Terminal were purchased in 1950. Gov't. Br. 10. The record is opposite. The non-leased lands at the Terminal were acquired by deeds dated April 29, 1941; May 5, 1941; July 7, 1941; March 2, 1942, and July 23, 1943. R. 442. Land was also acquired at the Terminal in condemnation actions in the United States District Court, Northern District of California, Southern Division, as follows: Civil No. 21578-S, filed January 15, 1941; Civil No. 21930-L, filed July 25, 1941, and Civil No. 23099-S, filed January 18, 1944. R. 442, 809. No mention is made of the leased land at the Terminal which lies within state jurisdiction, and on which delivery of milk is accepted (Tract A-119). R. 99, 809, 701. See *Standard Oil* v. *Johnson*, 316 U.S. 481 (1942).

CONCLUSION

It is submitted that the questions presented by this appeal are substantial and have not been rendered moot by anything said in the government's memorandum. The questions are important to federal-state

relations, and should be resolved by the court u
oral argument and briefs on the merits.

Respectfully submitted.

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APPENDIX A

CONSTITUTION AND STATE STATUTES

United States Constitution. Article 1. Section 8. Clause 17

"The Congress shall have power . . .

"To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings;—"

Section 34. California Political Code. Enacted March 12, 1872

"34. The Legislature consents to the purchase or condemnation by the United States of any tract of land within this State, for the purpose of erecting forts, magazines, arsenals, dock yards, and other needful buildings, upon the express condition that all civil process issued from the Courts of this State, and such criminal process as may issue under the authority of this State, against any person charged with crimes, may be served and executed thereon in the same mode and manner and by the same officers as if the purchase or condemnation had not been made."

1872 Pol. C., sec. 34, eff. March 12, 1872; codified into Gov. C., sec. 111, eff. Aug. 4, 1943, by Stats. 1943, Ch. 134, p. 1009, until repealed eff. Sept. 19, 1947, by Stats. 1947, Ch. 1552, p. 3163.

California Statutes of 1897, Chapter 56, page 51

"SECTION 1. The State of California hereby cedes to the United States of America exclusive jurisdiction over all lands within this State now held, occupied, or reserved by the Government of the United States for military purposes or defense, or which may hereafter be ceded or conveyed to said United States for such purposes: *provided*, that a sufficient description by metes and bounds and a map or plat of such lands be filed in the proper office of record in the county in which the same are situated: *and provided further*, that this State reserves the right to serve and execute on said lands all civil process not incompatible with this cession, and such criminal process as may lawfully issue under the authority of this State against any person or persons charged with crimes committed without said limits.

"SEC. 2. This Act shall take effect immediately."

Stats. 1897, Ch. 56, p. 51, eff. March 2, 1897, codified into Govt. C., sec. 111, eff. Aug. 4, 1943, by Stats. 1943, Ch. 134, p. 808, until repealed eff. Sept. 19, 1947, by Stats. 1947, Ch. 1432, p. [illegible]

1903 Acts of Arkansas, Act 180, page 346

"Section 1. The State of Arkansas hereby consents to the purchase by, or made or hereafter made, by the United States, of any site or ground for the erection of any armory, arsenal, fort, fortification, navy yard, custom house, light house, lock, dam, dry dock, hatcheries, or other public buildings of any kind whatever, and the jurisdiction of this State, within and over all

grounds thus purchased by the United States, within the limits of this State, is hereby ceded to the United States.

"Provided, that this grant of jurisdiction shall not prevent execution of any process of this State, civil or criminal, upon any person who may be on said premises."

"Section 2. This State releases and relinquishes her right to tax, any such site, grounds or real estate, and all improvements which may be thereon or thereafter erected thereon, during the time the United States shall be and remain the owner thereof."

1927 Acts of Arkansas, Act 108, page 302

SECTION 1. That Section 6603 of Crawford & Moses' Digest is hereby amended to read as follows:

"That the consent of the State of Arkansas be and is hereby given to the acquisition by the United States, by purchase, or otherwise with adequate compensation, of such land in Arkansas as in the opinion of the Federal Government may be needed for the establishment, consolidation and extension of National Forests in the State, for the purpose of the Act of Congress entitled "An Act to Enable any State to cooperate with any other State or States, or with the United States, for the protection of the Watersheds of Navigable Streams and to Appoint a Commission for the Acquisition of Lands for the Purpose of Conserving the Navigability of Navigable Rivers," approved March 1st., 1911, (36 Statute, 961), and acts supplementary thereto and amendatory thereof; provided that this Section applies only in those counties where

the United States now owns land comprising National Forests and in Counties adjoining the aforesaid Counties; further provided, that the State of Arkansas shall retain a concurrent jurisdiction with the United States in and over lands so acquired so far that civil process in all cases, and such criminal process as may be issue under the authority of the State of Arkansas against any person charged with the commission of any crime, without or within said jurisdiction, may be executed thereon in like manner as if this Act had not been passed."

SECTION 2. That Section 4567 of Crawford & Moses' Digest is hereby amended to read as follows:

"Power is hereby conferred upon the Congress of the United States to pass laws and to make or provide for the making of such rules and regulations of both a civil and criminal nature; and provide punishment therefor, as in its judgment may be necessary for the administration, control and protection of such lands as have been acquired or may hereafter be acquired under the provisions of this Act."

Section 4. Chapter 20. 1881 Acts of West Virginia

"In pursuance of the seventeenth clause of the eighth section of the first article of the Constitution of the United States, the consent of the Legislature of West Virginia is hereby given to the purchase or condemnation, whether heretofore or hereafter made or had by the government of the United States, or under its authority, of any tract or parcel of land within the limits of the state, for the purpose of erecting thereon light houses, beacons, signal stations, post offices, custom houses, court houses, locks, dams, and works for

the improvement of the navigation of any water course, and other needful buildings or structures. The evidences of title to such land shall be recorded as in other cases. But the quantity of land to be so acquired shall not exceed twenty five acres in any one place."

California Government Code Section 113 (Stats. 1943, Ch. 134, page 898)

"113. The State cedes to the United States exclusive jurisdiction over such land as has been or may be ceded or conveyed to the United States, during the time the United States is the owner thereof, reserving the administration of the criminal law of the State, the authority to serve and execute process and the State's entire power of taxation."

California Statutes of 1891, Chapter 181, page 262

"SECTION 1. The State of California hereby cedes to the United States of America exclusive jurisdiction over such piece or parcel of land as may have been or may be hereafter ceded or conveyed to the United States, during the time the United States shall be or remain the owner thereof, for all purposes except the administration of the criminal laws of the State and the service of civil process therein.

"SEC. 2. This act shall take effect immediately." Stats. 1891, Ch. 181, p. 262, eff. March 31, 1891, codified into Gov. C. Sec. 113, eff. Aug. 4, 1943, by Stats. 1943, Ch. 134, p. 898, until repealed eff. Sept. 7, 1955, by Stats. 1955, Ch. 1147, p. 2036.

California Statutes of 1905, Chapter 60, page 54

"SECTION 1. The State of California does hereby recede and regrant unto the United States of America,

the "Cleft" or "Gorge" in the granite peak of the Sierra Nevada mountains, situated in the county of Mariposa, State of California, and the headwaters of the Merced river, and known as the Yosemite Valley, with its branches or spurs, granted unto the State of California in trust for public use, resort and recreation by the act of congress entitled "An act authorizing a grant to the State of California of the Yosemite Valley and of the land embracing the "Mariposa Big Tree Grove," approved June 30th, 1864; and the State of California does hereby relinquish unto the United States of America and resign the trusts created and granted by the said act of congress.

"SEC. 2. The State of California does hereby recede and regrant unto the United States of America, the tracts embracing what is known as the "Mariposa Big Tree Grove," granted unto the State of California in trust for public use, resort and recreation by the act of congress referred to in section 1 of this act; and the State of California does hereby relinquish unto the United States of America and resign the trusts created and granted by the said act of congress.

"SEC. 3. This act shall take effect from and after acceptance by the United States of America of the recessions and regrants herein made, thereby forever releasing the State of California from further cost of maintaining the said premises, the same to be held for all time by the United States of America for public use, resort and recreation, and imposing on the United States of America the cost of maintaining the same as a national park. Provided, however, that the recession and regrant hereby made shall not affect vested rights and interests of third persons."

1892 Acts of Louisiana. No. 12. page 10

"SECTION 1. Be it enacted by the General Assembly of the State of Louisiana, That the United States shall have power to purchase or condemn in the manner prescribed by law, upon making just compensation therefor, any land in the State of Louisiana, not already in use for public purposes, required for custom-houses, court houses, arsenals, national cemeteries, or for other purposes of the government of the United States.

"SEC. 2. Be it further enacted, etc., That the United States may enter upon and occupy any land which may have been, or may be purchased or condemned, or otherwise acquired, and shall have the right of exclusive jurisdiction over the property so acquired during the time that the United States shall be or remain the owner thereof for all purposes, except the administration of the criminal laws of said State, and the service of civil process of said State therein, and shall hold the same exempt from all State, parochial, municipal or other taxation."

1909 Acts of West Virginia, Chapter 61, page 494

"SEC. 1. That the consent of the legislature of West Virginia be and is hereby given to the acquisition by the United States, by purchase or by condemnation with adequate compensation of such lands in West Virginia as in the opinion of the federal government may be needed for the establishment of such a national forest reserve in that region: provided, that the state of West Virginia shall retain a concurrent jurisdiction with the United States in and over such lands so far that civil process in all cases, and such criminal process as may issue under the authority of the state of West Virginia against any person charged with the commission of any crime without or within said jurisdiction, may be executed thereon in like manner as if this act had not been passed.

"SEC. 2. That power is hereby conferred upon congress to pass such laws as it may deem necessary to the acquisiton, as hereinbefore provided, for incorporation in said national forest reserve of such forest covered lands in West Virginia as in the opinion of the federal government may be needed for this purpose.

"SEC. 3. Power is hereby conferred upon congress to pass such laws and to make or provide for the making of such rules and regulations, of both a civil and criminal nature, and provide punishment therefor, as in its judgment may be necessary for the management, control and protection of such lands as may be from time to time acquired by the United States under the provisions of this act."

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